

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                     |
|--------------------------|---|---------------------|
| - - - - -                | X |                     |
|                          | : |                     |
| UNITED STATES OF AMERICA | : | <u>SECOND</u>       |
|                          | : | <u>SUPERSEDING</u>  |
| - v. -                   | : | <u>INDICTMENT</u>   |
|                          | : |                     |
| ARI TEMAN,               | : | S2 19 Cr. 696 (PAE) |
|                          | : |                     |
| Defendant.               | : |                     |
|                          | : |                     |
| - - - - -                | X |                     |

**COUNT ONE**  
**(Bank Fraud)**

The Grand Jury charges:

1. From at least in or about April 2019 up to and including at least in or about June 2019, in the Southern District of New York and elsewhere, ARI TEMAN, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, TEMAN deposited counterfeit checks in the name of three third parties (respectively, "Entity-1," "Entity-2," and "Entity-3") into an account held at a particular financial

institution ("Financial Institution-1"), and subsequently attempted to and did use those funds for his personal benefit.

(Title 18, United States Code, Section 1344.)

**COUNT TWO**  
**(Bank Fraud)**

The Grand Jury further charges:

2. In or about March 2019, in the Southern District of New York and elsewhere, ARI TEMAN, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, TEMAN deposited counterfeit checks in the name of Entity-3 and another third party ("Entity-4") into an account held at Financial Institution-1, and subsequently attempted to and did use those funds for his personal benefit.

(Title 18, United States Code, Section 1344.)

**COUNT THREE**  
**(Wire Fraud)**

The Grand Jury further charges:

3. From at least in or about April 2019 up to and including at least in or about June 2019, in the Southern

District of New York and elsewhere, ARI TEMAN, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, TEMAN deposited counterfeit checks drawing funds from accounts belonging to "Entity-1," "Entity-2," and "Entity-3" and subsequently attempted to and did use those funds for his personal benefit, and in furtherance of such a scheme caused a wire communication to be sent.

(Title 18, United States Code, Section 1343.)

**COUNT FOUR**  
**(Wire Fraud)**

The Grand Jury further charges:

4. In or about March 2019, in the Southern District of New York and elsewhere, ARI TEMAN, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of

wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, TEMAN deposited counterfeit checks drawing funds from accounts belonging to Entity-3 and Entity-4 and subsequently attempted to and did use those funds for his personal benefit, and in furtherance of such a scheme caused a wire communication to be sent.

(Title 18, United States Code, Section 1343.)

**COUNT FIVE**  
**(Aggravated Identity Theft)**

The Grand Jury further charges:

5. In or about March 2019, in the Southern District of New York and elsewhere, ARI TEMAN, the defendant, did knowingly transfer, possess, and use, without lawful authority a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, during and in relation to the bank fraud charged in Count Two of this Indictment, TEMAN deposited a check using the personal identifying information of an individual associated with Entity-3.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

**COUNT SIX**  
**(Aggravated Identity Theft)**

The Grand Jury further charges:

6. In or about March 2019, in the Southern District of New York and elsewhere, ARI TEMAN, the defendant, did knowingly transfer, possess, and use, without lawful authority a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, during and in relation to the bank fraud charged in Count Two of this Indictment, TEMAN deposited a check using the personal identifying information of an individual associated with Entity-4.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b),  
and 2.)

**FORFEITURE ALLEGATION**

7. As a result of committing the offenses alleged in Counts One and Two of this Indictment, ARI TEMAN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

8. As a result of committing the offenses alleged in

Counts Three and Four of this Indictment, ARI TEMAN, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

**Substitute Asset Provision**

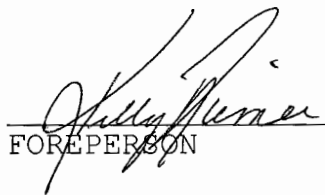
9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section

2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;  
Title 18, United States Code, Section 982;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

 1/3/20  
FOREPERSON

  
GEOFFREY S. BERMAN  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

ARI TEMAN,

Defendant.

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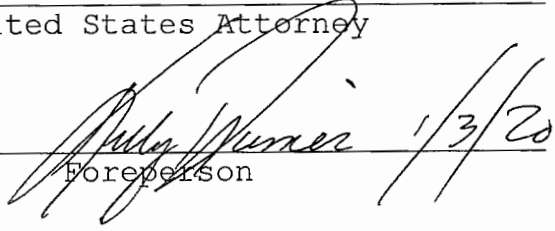
SECOND  
SUPERSEDING  
INDICTMENT

S2 19 Cr. 696 (PAE)

(18 U.S.C. §§ 1028A, 1343, 1344.)

GEOFFREY S. BERMAN  
United States Attorney

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 1/3/20  
Foreperson

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~~File~~ Filed Superseding Indictment

1/3/2020

KU

STEWART D. ARON  
U.S.M.J.